

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No. 14527 of 2015

Date of decision : 28.03.2016

Maman Singh and ors.

...Petitioners

versus

State of Haryana & ors.

..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Bhupandar Ghanghas, Advocate
for the petitioners.

Mr. Ravi Pratap Singh, A.A.G. Haryana

RITU BAHRI , J. (Oral)

Petitioners have approached this Court by way of instant writ petition filed under Articles 226/227 of the Constitution of India, seeking a writ in the nature of mandamus for issuance of direction to the respondents to extend the benefits laid down by this Court in CWP No. 8082 of 2001, titled as R.K. Verma and others v. State of Haryana and others, decided on 01.12.2010.

On notice, a written statement has been filed by the respondents stating therein that petitioners have been given benefit of notional pay fixation w.e.f the date of promotion in view of R.K. Verma's case (supra) and now the petitioner cannot claim benefit of

arrears at par with the petitioners in ***R.K. Verma's case (supra)***.

Reference has been made to judgment of Hon'ble the Supreme Court of India in a case of ***State of Uttar Pradesh and others v. Arvind Kumar Srivastva and others, 2015 (1) SCC 347*** wherein in para 23 of the judgment, it has been observed as under:-

“23) The legal principles which emerge from the reading of the aforesaid judgments, cited both by the appellants as well as the respondents, can be summed up as under:

(1) Normal rule is that when a particular set of employees is given relief by the Court, all other identically situated persons need to be treated alike by extending that benefit. Not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India. This principle needs to be applied in service matters more emphatically as the service jurisprudence evolved by this Court from time to time postulates that all similarly situated persons should be treated similarly. Therefore, the normal rule would be that merely because other similarly situated persons did not approach the Court earlier, they are not to be treated differently.

(2) However, this principle is subject to well recognized exceptions in the form of laches and delays as well as acquiescence. Those persons who did not challenge the

wrongful action in their cases and acquiesced into the same and woke up after long delay only because of the reason that their counterparts who had approached the Court earlier in time succeeded in their efforts, then such employees cannot claim that the benefit of the judgment rendered in the case of similarly situated persons be extended to them. They would be treated as fence-sitters and laches and delays, and/or the acquiescence, would be a valid ground to dismiss their claim.

Reference at this stage can be made to instructions dated 25.03.2015 and the relevant extract of the letter dated 25.03.2015 reads as under:-

“Headmasters (High Schools) are hereby granted the pay scale of Rs.7500-12000 w.e.f 01.01.1996 notionally and actually from prospective effect. However, the arrears of pay for petitioners only are restricted to 38 months from the date of filing of the writ petition. The other head Masters will not be entitled to any arrears. Concurrence of Finance Department has been obtained vide UO No. 6/76/2010-4PR (FD) dated 16.03.2015 in this regard.

These instructions may be brought to the notice of all concerned DDO's for compliance. Pay be refixed after verification of Section Officer concerned.”

In view of the above instructions, the present petition is being disposed of by giving a direction to the respondents to comply with instructions dated 25.03.2015 and give payment of arrears of 38 months, within a period of one months from the date of receipt of certified copy of this order.

(RITU BAHRI)
JUDGE

28.03.2016

G Arora